

ASSEMBLY BILL NO. 448—COMMITTEE ON EDUCATION

MARCH 23, 2015

Referred to Committee on Education

SUMMARY—Revises provisions relating to education.
(BDR 34-746)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 22)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; establishing the Achievement School District within the Department of Education; authorizing certain underperforming schools to be converted to achievement charter schools sponsored by the Achievement School District; prescribing requirements for the conversion of a public school to an achievement charter school and the operation of an achievement charter school; providing for the use of certain school buildings by an achievement charter school without compensation; authorizing a school district to provide services to an achievement charter school under certain circumstances; prescribing certain conditions of employment for a teacher at an achievement charter school; authorizing the conversion of an achievement charter school to a public school in a school district or a charter school; revising provisions governing the use of school buildings owned by the board of trustees of the school district by a charter school; making reassignment of the employees of an achievement charter school outside the scope of collective bargaining; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 17** of this bill creates the Achievement School District within the
- 2 Department of Education, and **section 18** of this bill requires the Superintendent of



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Public Instruction to appoint an Executive Director as the chief of the Achievement School District. **Section 19** of this bill establishes the Account for the Achievement School District in the State General Fund.

Existing law establishes the statewide system of accountability for public schools. (NRS 385.3455-385.391) The statewide system of accountability provides for each public school to be rated based on the performance of the school and whether each public school meets the annual measurable objectives and performance targets. (NRS 385.3594) **Section 20** of this bill requires the Executive Director to make a list of public schools that demonstrate unsatisfactory pupil achievement and school performance for consideration for conversion to achievement charter schools and submit the list to the State Board of Education for approval. The list must include 20 percent of schools that meet certain criteria, and the State Board must approve for consideration at least 50 percent of the schools on the list. **Section 20** authorizes the Executive Director to select any school approved by the State Board for conversion to an achievement charter school after: (1) considering data concerning pupil achievement and school performance for the school; (2) considering input from parents of pupils enrolled at the school and other members of the community in which the school is located; and (3) consulting with the board of trustees of the school district in which the school is located.

Existing law prohibits the conversion of an existing public school to a charter school. (NRS 386.505, 386.506) **Sections 11 and 23** of this bill provide that these provisions do not apply to an achievement charter school, thereby allowing the conversion of an existing public school to an achievement charter school.

Section 21 of this bill requires the Executive Director of the Achievement School District to evaluate applications and enter into a contract with a charter management organization, educational management organization or other person to operate an achievement charter school. **Section 21** also requires the Department to adopt regulations prescribing the process for applying to operate an achievement charter school, which must allow for certain applicants to submit one application to operate more than one achievement charter school. **Section 21.5** of this bill provides that the Achievement School District is deemed the sponsor of an achievement charter school and requires the operator of an achievement charter school to appoint a governing body of the achievement charter school. **Section 21.5** provides that the governing body may consist of any persons chosen by the operator of the achievement charter school, with certain restrictions. **Section 22** of this bill requires the principal of an achievement charter school to determine whether to offer employment at the achievement charter school to the former employees of the public school. Any such employees who are not offered employment at the achievement charter school must be reassigned to another public school in the district. **Section 22** also requires the board of trustees of a school district to allow an achievement charter school to operate in the building in which the school was located before conversion to an achievement charter school without compensation and continue to pay capital expenses for the building. The achievement charter school is required to pay for maintenance and operation of the building. **Section 22** also provides that any pupil who was enrolled in a school before conversion to an achievement charter school must be enrolled in the achievement charter school upon request. Finally, **section 22** limits the amount of loans, advances or other monetary charges that the governing body of an achievement charter school may authorize to be paid to the operator of the achievement charter school. **Section 61** of this bill makes the right of a school district to reassign employees who are not retained by an achievement charter school outside the scope of collective bargaining.

Section 22.5 of this bill enacts provisions necessary for an achievement charter school to be able to receive money available from federal and state categorical grant programs.



Sections 3-8 and 23 of this bill require an achievement charter school to participate in the statewide system of accountability for public schools.

Existing law: (1) establishes requirements concerning the availability of certain information concerning charter schools and the operation of a charter school; (2) prohibits a member of the board of trustees of a school district or employee of a school district to solicit gifts or payments from a governing body or employee of a charter school; (3) prohibits the board of trustees of a school district from interfering with the operation of a charter school; (4) prescribes the manner in which money will be apportioned to and paid by a charter school; (5) establishes requirements concerning hiring of personnel at a charter school; (6) requires certain information to be reported by the governing body and sponsor of a charter school; and (7) authorizes a charter school to finance improvements through the issuance of bonds. (NRS 386.545, 386.547, 386.550, 386.553, 386.555, 386.563-386.573, 386.582-386.593 and 386.598-386.649) **Section 23** of this bill makes these provisions applicable to an achievement charter school. **Section 23** also allows the governing body of an achievement charter school to obtain a waiver of certain requirements concerning the school calendar, testing, curriculum, enrollment, distance education and staffing.

Existing law authorizes: (1) a charter school that meets certain requirements to apply to the Department for money for facilities; (2) a charter school to take certain actions to expand its facilities; and (3) a pupil at a charter school to participate in classes or extracurricular activities at a public school in a school district. (NRS 386.5515, 386.560, 386.595) **Sections 24-26** of this bill enacts similar provisions applicable to achievement charter schools. **Section 25** also requires the board of trustees of a school district in which an achievement charter school is located to provide facilities, other than the school building in which the achievement charter school operates, to the achievement charter school or perform certain services to an achievement charter school for compensation upon the request of the Executive Director.

Sections 27, 31 and 32 of this bill prescribe conditions for employment at an achievement charter school. **Sections 28, 30 and 31** of this bill require the board of trustees of a school district to grant a leave of absence of 6 years to a teacher who wishes to accept or continue employment at an achievement charter school and prescribe requirements concerning benefits and tenure of a teacher who takes such a leave of absence.

Section 33 of this bill allows an achievement charter school that has demonstrated adequate improvement in pupil achievement and school performance to: (1) convert back to a public school under the governance of the board of trustees of the school district in which the school is located; (2) apply to an entity for sponsorship as a charter school and become a charter school outside the Achievement School District; or (3) remain an achievement charter school for at least 6 more years. **Section 33** requires an achievement charter school that has not demonstrated adequate improvement to remain an achievement charter school for at least 6 more years, subject to review at least every 3 years thereafter. **Section 33** provides that if an achievement charter school converts back to a public school in a school district, the board of trustees of the school district must employ any teacher, administrator or paraprofessional who wishes to continue at the school. **Section 34** of this bill requires the Department to adopt regulations to carry out the provisions governing achievement charter schools. **Sections 36-38** of this bill exempt an achievement charter school from certain prohibitions on converting an existing public school into a charter school.

Existing law authorizes a charter school to use school buildings owned by the school district in which the charter school is located only upon approval of the board of trustees of the school district and during times that are not regular school hours. (NRS 386.560) **Section 39.5** of this bill removes the limitation on the use of



such buildings during regular school hours, but still requires such use to be approved by the board of trustees of the school district.

Sections 1, 2, 9, 11-16, 35, 39-60, 62-64 and 69 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The State Board shall, and the State Public Charter School Authority, *the Achievement School District*, each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 2. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. ~~["Charter school" means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive.]~~
"Achievement charter school" means a public school operated by a charter management organization, as defined in section 13 of this act, an educational management organization, as defined in section 14 of this act, or other person pursuant to a contract with the Achievement School District pursuant to section 21 of this act and subject to the provisions of sections 12 to 34, inclusive, of this act.

2. "Department" means the Department of Education.



3. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory attendance pursuant to NRS 392.070.

4. "Limited English proficient" has the meaning ascribed to it in 20 U.S.C. § 7801(25).

5. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.

6. "State Board" means the State Board of Education.

7. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 392A.040.

Sec. 3. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385.347 to 385.3495, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before September 30 of each year, prepare a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385.347 to 385.3495, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385.347 to 385.3495, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority , *the Achievement School District* and each college or university within the Nevada System of Higher Education that sponsors a charter



1 school shall, on or before September 30 of each year, prepare an
2 annual report of accountability of the charter schools sponsored by
3 the State Public Charter School Authority , *Achievement School*
4 *District* or institution, as applicable, concerning the accountability
5 information prescribed by the Department pursuant to this section.
6 The Department, in consultation with the State Public Charter
7 School Authority , *the Achievement School District* and each
8 college or university within the Nevada System of Higher Education
9 that sponsors a charter school, shall prescribe by regulation the
10 information that must be prepared by the State Public Charter
11 School Authority , *Achievement School District* and institution, as
12 applicable, which must include, without limitation, the information
13 contained in subsection 2 and NRS 385.347 to 385.3495, inclusive,
14 as applicable to charter schools. The Department shall provide for
15 public dissemination of the annual report of accountability prepared
16 pursuant to this section by posting a copy of the report on the
17 Internet website maintained by the Department.

18 4. The annual report of accountability prepared pursuant to this
19 section must be presented in an understandable and uniform format
20 and, to the extent practicable, provided in a language that parents
21 can understand.

22 5. The Superintendent of Public Instruction shall:

23 (a) Prescribe forms for the reports required pursuant to this
24 section and provide the forms to the respective school districts, the
25 State Public Charter School Authority , *the Achievement School*
26 *District* and each college or university within the Nevada System of
27 Higher Education that sponsors a charter school.

28 (b) Provide statistical information and technical assistance to the
29 school districts, the State Public Charter School Authority , *the*
30 *Achievement School District* and each college or university within
31 the Nevada System of Higher Education that sponsors a charter
32 school to ensure that the reports provide comparable information
33 with respect to each school in each district, each charter school and
34 among the districts and charter schools throughout this State.

35 (c) Consult with a representative of the:

- 36 (1) Nevada State Education Association;
37 (2) Nevada Association of School Boards;
38 (3) Nevada Association of School Administrators;
39 (4) Nevada Parent Teacher Association;
40 (5) Budget Division of the Department of Administration;
41 (6) Legislative Counsel Bureau; and
42 (7) Charter School Association of Nevada,

43 ↗ concerning the program and consider any advice or
44 recommendations submitted by the representatives with respect to
45 the program.



6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority , *the Achievement School District* and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide written notice that the report required pursuant to this section is available on the Internet website maintained by the school district, State Public Charter School Authority , *Achievement School District* or institution, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

- (1) Governor;
- (2) State Board;
- (3) Department;
- (4) Committee;
- (5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385.3483.

(b) The board of trustees of each school district, the State Public Charter School Authority , *the Achievement School District* and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority , *the Achievement School District* or the institution, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority , *the Achievement School District* or the institution does not maintain a website, the State Public Charter School Authority , *the Achievement School District* or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.



8. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 7 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority, *the Achievement School District* or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to this section.

Sec. 4. NRS 385.3481 is hereby amended to read as follows:

385.3481 1. The annual report of accountability prepared pursuant to NRS 385.347 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;



(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority, *the Achievement School District* and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385.347.

Sec. 5. NRS 385.3572 is hereby amended to read as follows:

385.3572 1. The State Board shall prepare a single annual report of accountability that includes, without limitation the information prescribed by NRS 385.3572 to 385.3592, inclusive.

2. A separate reporting for a group of pupils must not be made pursuant to this section and NRS 385.3572 to 385.3592, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Be prepared in a concise manner; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before October 15 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;



- 1 (2) Committee;
- 2 (3) Bureau;
- 3 (4) Board of Regents of the University of Nevada;
- 4 (5) Board of trustees of each school district;
- 5 (6) Governing body of each charter school;
- 6 (7) *Executive Director of the Achievement School District;*
- 7 and

8 ~~[(7)]~~ (8) The Attorney General, with a specific reference to
9 the information that is reported pursuant to paragraph (e) of
10 subsection 1 of NRS 385.3584.

11 5. Upon the request of the Governor, the Attorney General, an
12 entity described in paragraph (b) of subsection 4 or a member of the
13 general public, the State Board shall provide a portion or portions of
14 the annual report of accountability.

15 **Sec. 6.** NRS 385.3593 is hereby amended to read as follows:

16 385.3593 1. The State Board shall prepare a plan to improve
17 the achievement of pupils enrolled in the public schools in this
18 State. The plan:

19 (a) Must be prepared in consultation with:

20 (1) Employees of the Department;

21 (2) At least one employee of a school district in a county
22 whose population is 100,000 or more, appointed by the Nevada
23 Association of School Boards;

24 (3) At least one employee of a school district in a county
25 whose population is less than 100,000, appointed by the Nevada
26 Association of School Boards; and

27 (4) At least one representative of the Statewide Council for
28 the Coordination of the Regional Training Programs created by NRS
29 391.516, appointed by the Council; and

30 (b) May be prepared in consultation with:

31 (1) Representatives of institutions of higher education;

32 (2) Representatives of regional educational laboratories;

33 (3) Representatives of outside consultant groups;

34 (4) Representatives of the regional training programs for the
35 professional development of teachers and administrators created by
36 NRS 391.512;

37 (5) The Bureau; and

38 (6) Other persons who the State Board determines are
39 appropriate.

40 2. A plan to improve the achievement of pupils enrolled in
41 public schools in this State must include:

42 (a) A review and analysis of the data upon which the report
43 required pursuant to NRS 385.3572 is based and a review and
44 analysis of any data that is more recent than the data upon which the
45 report is based.



(b) The identification of any problems or factors common among the school districts or charter schools in this State, as revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in public schools in this State, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in the statewide system of accountability for public schools;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school districts;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at public schools in this State to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in public schools in this State, as deemed appropriate by the State Board.

(e) Strategies designed to provide to the pupils enrolled in middle school, junior high school and high school, the teachers and counselors who provide instruction to those pupils, and the parents and guardians of those pupils information concerning:

(1) The requirements for admission to an institution of higher education and the opportunities for financial aid;

(2) The availability of Governor Guinn Millennium Scholarships pursuant to NRS 396.911 to 396.945, inclusive; and

(3) The need for a pupil to make informed decisions about his or her curriculum in middle school, junior high school and high school in preparation for success after graduation.

(f) An identification, by category, of the employees of the Department who are responsible for ensuring that each provision of the plan is carried out effectively.



(g) A timeline for carrying out the plan, including, without limitation:

(1) The rate of improvement and progress which must be attained annually in meeting the goals and benchmarks established by the State Board pursuant to subsection 3; and

(2) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from this State, by program and by school district, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the State Board and the Department to carry out the plan, including, without limitation, a budget for the overall cost of carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) A 5-year strategic plan which identifies the recurring issues in improving the achievement and proficiency of pupils in this State and which establishes strategic goals to address those issues. The 5-year strategic plan must be:

(1) Based upon the data from previous years which is collected by the Department for the plan developed pursuant to this section; and

(2) Designed to track the progress made in achieving the strategic goals established by the Department.

(m) Any additional plans addressing the achievement and proficiency of pupils adopted by the Department.

3. The State Board shall:

(a) In developing the plan to improve the achievement of pupils enrolled in public schools, establish clearly defined goals and



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1 benchmarks for improving the achievement of pupils, including,
2 without limitation, goals for:

3 (1) Improving proficiency results in core academic subjects;
4 (2) Increasing the number of pupils enrolled in public middle
5 schools and junior high schools, including, without limitation,
6 charter schools, who enter public high schools with the skills
7 necessary to succeed in high school;

8 (3) Improving the percentage of pupils who enroll in grade 9
9 and who graduate from a public high school, including, without
10 limitation, a charter school, with a standard or higher diploma upon
11 completion;

12 (4) Improving the performance of pupils on standardized
13 college entrance examinations;

14 (5) Increasing the percentage of pupils enrolled in high
15 schools who enter postsecondary educational institutions or who are
16 career and workforce ready; and

17 (6) Reengaging disengaged youth who have dropped out of
18 high school or who are at risk of dropping out of high school,
19 including, without limitation, a mechanism for tracking and
20 maintaining communication with those youth who have dropped out
21 of school or who are at risk of doing so;

22 (b) Review the plan annually to evaluate the effectiveness of the
23 plan;

24 (c) Examine the timeline for implementing the plan and each
25 provision of the plan to determine whether the annual goals and
26 benchmarks have been attained; and

27 (d) Based upon the evaluation of the plan, make revisions, as
28 necessary, to ensure that:

29 (1) The goals and benchmarks set forth in the plan are being
30 attained in a timely manner; and

31 (2) The plan is designed to improve the academic
32 achievement of pupils enrolled in public schools in this State.

33 4. On or before January 31 of each year, the State Board shall
34 submit the plan or the revised plan, as applicable, to the:

35 (a) Governor;

36 (b) Committee;

37 (c) Bureau;

38 (d) Board of Regents of the University of Nevada;

39 (e) Council to Establish Academic Standards for Public Schools
40 created by NRS 389.510;

41 (f) Board of trustees of each school district; ~~and~~

42 (g) Governing body of each charter school ~~and~~; and

43 ***(h) Executive Director of the Achievement School District.***



Sec. 7. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the annual measurable objectives and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority, *the Achievement School District* or ~~by~~ a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority, *the Achievement School District* or the institution within the Nevada System of Higher Education that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b), ~~for~~ (c) ~~H~~ or (d), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) *The determination made for the charter school to the Achievement School District if the charter school is sponsored by the Achievement School District.*

(d) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.



↪ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 8. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority, *the Achievement School District* or ~~by~~ a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary ratings for all charter schools ~~that are~~ sponsored by the State Public Charter School Authority, *all charter schools sponsored by the Achievement School District* and all charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence. If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15. If the school is a charter school sponsored by the State Public Charter School Authority, *the Achievement School District* or ~~by~~ a college or university within the Nevada System of Higher



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Education, the Department shall make a final determination concerning the rating for the school on September 15.

3. On or before September 15 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3613 and the final ratings made pursuant to this section as follows:

(a) The determinations and final ratings made for all schools in this State to the:

- (1) Governor;
- (2) State Board;
- (3) Committee; and
- (4) Bureau.

(b) The determinations and final ratings made for all schools within a school district to the:

- (1) Superintendent of schools of the school district; and
- (2) Board of trustees of the school district.

(c) The determination and final rating made for each school to the principal of the school.

(d) The determination and final rating made for each charter school to the sponsor of the charter school.

Sec. 9. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385.3495 and similar information in the annual report of accountability prepared by the State Public Charter School Authority, *the Achievement School District* and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children



for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635;

10. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

11. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 10. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 34, inclusive, of this act.

Sec. 11. *“Charter school” does not include an achievement charter school, except to the extent provided pursuant to section 23 of this act.*

Sec. 12. *As used in sections 12 to 34, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 13 to 16, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 13. *“Charter management organization” means a nonprofit corporation, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.*

Sec. 14. *“Educational management organization” means a for-profit corporation, business, organization or other entity that provides services relating to the operation and management of charter schools and achievement charter schools.*

Sec. 15. *“Executive Director” means the Executive Director of the Achievement School District created by section 17 of this act.*



1 **Sec. 16.** *“Public school” does not include a charter school or*
2 *a university school for profoundly gifted pupils.*

3 **Sec. 17.** 1. *The Achievement School District is hereby*
4 *created within the Department.*

5 2. *The Achievement School District may employ such persons*
6 *as it deems necessary to carry out the provisions of sections 12 to*
7 *34, inclusive, of this act. The employees of the Achievement*
8 *School District:*

9 (a) *Must be qualified to carry out the daily responsibilities of*
10 *overseeing achievement charter schools in accordance with the*
11 *provisions of sections 12 to 34, inclusive, of this act; and*

12 (b) *Are in the unclassified service of the State and serve at the*
13 *pleasure of the Executive Director.*

14 **Sec. 18.** 1. *The Superintendent of Public Instruction shall*
15 *appoint an Executive Director of the Achievement School District.*
16 *The Executive Director shall serve at the pleasure of the*
17 *Superintendent of Public Instruction.*

18 2. *The Executive Director is the chief of the Achievement*
19 *School District. The Executive Director has the powers and duties*
20 *assigned by sections 12 to 34, inclusive, of this act, and any other*
21 *applicable law or regulation and such other powers and duties as*
22 *may be assigned by the Superintendent of Public Instruction.*

23 3. *The Executive Director shall develop policies and practices*
24 *for the operation of the Achievement School District that are*
25 *consistent with state laws and regulations governing achievement*
26 *charter schools. Such policies and practices must include, without*
27 *limitation, the manner in which the Achievement School District*
28 *will maintain oversight of achievement charter schools.*

29 **Sec. 19.** 1. *The Account for the Achievement School*
30 *District is hereby created in the State General Fund, to be*
31 *administered by the Executive Director.*

32 2. *The interest and income earned on the money in the*
33 *Account must be credited to the Account.*

34 3. *The money in the Account may be used only for the*
35 *establishment and maintenance of the Achievement School*
36 *District.*

37 4. *Any money remaining in the Account at the end of a fiscal*
38 *year does not revert to the State General Fund, and the balance in*
39 *the Account must be carried forward to the next fiscal year.*

40 5. *The Executive Director and the Achievement School*
41 *District may accept gifts, grants and bequests to carry out the*
42 *responsibilities of the Achievement School District pursuant to*
43 *sections 12 to 34, inclusive, of this act. Any money from gifts,*
44 *grants and bequests must be deposited in the Account and may be*



expended in accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.

6. Claims against the Account must be paid as other claims against the state are paid.

Sec. 20. 1. A public school is eligible for conversion to an achievement charter school if:

(a) Based upon the most recent annual report of the statewide system of accountability for public schools, the public school is an elementary school or middle school that was rated in the lowest 5 percent of elementary or middle schools in this State in pupil achievement and school performance for the most recent school year;

(b) The public school is a high school that had a graduation rate for the immediately preceding school year of less than 60 percent; or

(c) Pupil achievement and school performance at the public school is unsatisfactory as determined by the Department pursuant to the criteria established by regulation of the Department.

2. Each year, the Executive Director shall submit a list of not less than 20 percent of the public schools that are eligible for conversion to an achievement charter school pursuant to subsection 1 to the State Board for its approval. Within 30 days after the list is submitted, the State Board shall approve at least 50 percent of the schools on the list.

3. The Executive Director may select any public school approved for consideration by the State Board pursuant to subsection 2 for conversion to an achievement charter school. Before selecting a public school for conversion to an achievement charter school, the Executive Director must:

(a) Consider available data concerning pupil achievement and school performance for the public school, including, without limitation, data from the statewide system of accountability for public schools and data maintained by the board of trustees of the school district in which the public school is located;

(b) Solicit, in accordance with any regulations adopted pursuant to section 34 of this act, and consider input from parents of pupils enrolled at the public school and other members of the community in which the public school is located; and

(c) Consult with the board of trustees of the school district in which the public school is located.

4. The Executive Director shall notify a public school selected for conversion to an achievement charter school and the school district in which the public school is located not later than 60 days after making the selection.



Sec. 21. 1. For each public school selected for conversion to an achievement charter school pursuant to section 20 of this act, the Executive Director shall:

(a) Solicit applications from educational management organizations, charter management organizations and other persons to operate the achievement charter school.

(b) Provide information to parents of pupils enrolled at the public school concerning programs of instruction that applicants to operate the achievement charter school have proposed to offer at the achievement charter school and, in accordance with any regulations adopted pursuant to section 34 of this act, solicit the input of such parents concerning the needs of such pupils and the ability of the proposed programs of instruction to address those needs.

(c) Taking into consideration the input provided pursuant to paragraph (b), evaluate the applications submitted to operate the achievement charter school and approve the application that the Executive Director determines is high quality, meets the identified educational needs of pupils and is likely to improve pupil achievement and school performance.

(d) Negotiate and enter into a contract to operate the achievement charter school directly with the charter management organization, educational management organization or other person whose application is approved pursuant to paragraph (c). A contract to operate an achievement charter school must be for a term of 6 years. The term of the contract begins on the first day on which the contract provides that the educational management organization, charter management organization or other person is responsible for the operation of the achievement charter school.

(e) Monitor the performance and compliance of each achievement charter school.

2. The Department shall adopt regulations that prescribe the process by which a charter management organization, educational management organization or other person may apply to operate an achievement charter school. Such regulations must, without limitation:

(a) Require each application to include a plan to involve and engage the parents and families of pupils enrolled at the achievement charter school; and

(b) Authorize a charter management organization, educational management organization or other person to submit one application to operate more than one achievement charter school.

3. If a charter management organization, educational management organization or other person applies to operate more than one achievement charter school pursuant to paragraph (b) of



subsection 2, the Department must not approve the application unless any charter school currently operated by the charter management organization, educational management organization or other person meets specific criteria for pupil achievement and school performance established for each such school by the Department.

Sec. 21.5. 1. After a contract is entered into pursuant to paragraph (d) of subsection 1 of section 21 of this act, the Achievement School District shall be deemed the sponsor of the achievement charter school for all purposes, including, without limitation, receipt of the sponsorship fee prescribed pursuant to NRS 386.570.

2. The charter management organization, educational management organization or other person with whom the Executive Director enters into a contract to operate the achievement charter school shall appoint the governing body of the achievement charter school, consisting of such persons as deemed appropriate by the charter management organization, educational management organization or other person and who meet the requirements set forth in subsection 3. The governing body has such powers and duties as assigned pursuant to sections 12 to 34, inclusive, of this act and any other applicable law or regulation and by the Executive Director.

3. At least two members of the governing body of an achievement charter school must reside in the community in which the achievement charter school is located. A person who is employed by the charter management organization, educational management organization or other person with whom the Executive Director has entered into a contract to operate the achievement charter school may not serve as a voting member of the governing body of the achievement charter school.

4. The Executive Director may terminate a contract to operate an achievement charter school before the expiration of the contract under circumstances prescribed by regulation of the Department.

Sec. 22. 1. After the governing body of an achievement charter school is appointed pursuant to section 21.5 of this act, the governing body shall select the principal of the achievement charter school. The principal shall review each employee of the achievement charter school to determine whether to offer the employee a position in the achievement charter school based on the needs of the school and the ability of the employee to meet effectively those needs. The board of trustees of the school district in which the achievement charter school is located shall reassign any employee who is not offered a position in the achievement



1 charter school or does not accept such a position in accordance
2 with any collective bargaining agreement negotiated pursuant to
3 chapter 288 of NRS.

4 2. An achievement charter school must continue to operate in
5 the same building in which the school operated before being
6 converted to an achievement charter school. The board of trustees
7 of the school district in which the school is located must provide
8 such use of the building without compensation. While the school
9 is operated as an achievement charter school, the governing body
10 of the achievement charter school shall pay all costs related to the
11 maintenance and operation of the building and the board of
12 trustees shall pay all capital expenses.

13 3. Any pupil who was enrolled at the school before it was
14 converted to an achievement charter school must be enrolled in
15 the achievement charter school upon the request of the parent or
16 guardian of the pupil.

17 4. The governing body of an achievement charter school shall
18 not authorize the payment of loans, advances or other monetary
19 charges to the charter management organization, educational
20 management organization or other person with whom the
21 Executive Director has entered into a contract to operate the
22 achievement charter school which are greater than 15 percent of
23 the total expected funding to be received by the achievement
24 charter school from the State Distributive School Account.

25 **Sec. 22.5.** 1. Each achievement charter school is hereby
26 deemed a local educational agency for the purpose of receiving
27 any money available from federal and state categorical grant
28 programs. An achievement charter school that receives money
29 pursuant to such a grant program shall comply with any
30 applicable reporting requirements to receive the grant.

31 2. If an achievement charter school is eligible to receive
32 special education program units, the Department must pay the
33 special education program units directly to the achievement
34 charter school.

35 3. As used in this section, "local educational agency" has the
36 meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

37 **Sec. 23.** 1. Except as otherwise provided in this section, the
38 provisions of NRS 386.490 to 386.649, inclusive, and section 11 of
39 this act are not applicable to an achievement charter school.

40 2. The provisions of NRS 386.545, 386.547, 386.550, 386.553,
41 386.555, 386.563 to 386.573, inclusive, 386.582 to 386.588,
42 inclusive, 386.590, 386.593 and 386.598 to 386.649, inclusive,
43 apply to an achievement charter school.

44 3. The governing body of an achievement charter school may
45 submit a written request to the Superintendent of Public



1 *Instruction for a waiver from the requirements of paragraphs (f)*
2 *to (k), inclusive, of subsection 1 of NRS 386.550 or subsection 2 of*
3 *that section or, except with regard to a program supported with*
4 *Title I money, NRS 386.590. The Executive Director may grant*
5 *such a request if the governing body demonstrates to the*
6 *satisfaction of the Superintendent of Public Instruction that*
7 *circumstances justify the waiver and that granting the waiver is in*
8 *the best interest of the pupils enrolled in the achievement charter*
9 *school.*

10 **Sec. 24. 1.** *To the extent money is available from legislative*
11 *appropriation or otherwise, an achievement charter school may*
12 *apply to the Department for money for facilities if:*

13 *(a) The achievement charter school has been operating in this*
14 *State for at least 5 consecutive years and is in good financial*
15 *standing;*

16 *(b) The Executive Director has determined that the finances of*
17 *the achievement charter school are being managed in a prudent*
18 *manner;*

19 *(c) The achievement charter school has met or exceeded the*
20 *annual measurable objectives and performance targets established*
21 *pursuant to the statewide system of accountability for public*
22 *schools or has demonstrated improvement in the achievement of*
23 *pupils enrolled in the achievement charter school, as indicated by*
24 *those annual measurable objectives and performance targets, for*
25 *the majority of the years of its operation; and*

26 *(d) At least 75 percent of the pupils enrolled in grade 12 in the*
27 *achievement charter school in the immediately preceding school*
28 *year have satisfied the criteria prescribed by the State Board*
29 *pursuant to NRS 389.805, if the achievement charter school*
30 *enrolls pupils at a high school grade level.*

31 **2.** *An achievement charter school that does not satisfy the*
32 *requirements of subsection 1 shall submit a quarterly report of the*
33 *financial status of the achievement charter school if requested by*
34 *the Executive Director.*

35 **Sec. 25. 1.** *Upon request of the Executive Director, the*
36 *board of trustees of the school district in which an achievement*
37 *charter school is located shall provide facilities to operate the*
38 *achievement charter school, in addition to and not including the*
39 *building in which the achievement charter school operates*
40 *pursuant to section 22 of this act, or perform any service relating*
41 *to the operation of the achievement charter school, including,*
42 *without limitation, transportation, the provision of health services*
43 *for pupils who are enrolled in the achievement charter school and*
44 *the provision of school police officers. The governing body of the*
45 *achievement charter school shall reimburse the board of trustees*



for the cost of such facilities and services. If a dispute arises between the governing body of an achievement charter school or the Executive Director and the board of trustees of a school district concerning the cost of such facilities and services to be reimbursed, the Superintendent of Public Instruction must determine the cost to be reimbursed.

2. In addition to the school building used by the Achievement School District pursuant to section 22 of this act, an achievement charter school may use any public facility located within the school district in which the achievement charter school is located. An achievement charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district.

3. The board of trustees of a school district may donate surplus personal property of the school district to an achievement charter school that is located within the school district.

4. An achievement charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the Achievement School District.

5. To the extent money is available from legislative appropriation or otherwise, an achievement charter school may apply to the Department for money for facilities if it meets the requirements prescribed by regulation of the Department.

Sec. 26. 1. Except as otherwise provided in this section, upon the request of a parent or legal guardian of a pupil who is enrolled in an achievement charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the achievement charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and



(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

2. If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to subsection 1, the board of trustees is not required to provide transportation for the pupil to attend the class or activity.

3. Upon the request of a parent or legal guardian of a pupil who is enrolled in an achievement charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district or, upon approval of the board of trustees, any public school within the same zone of attendance as the achievement charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

4. If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to subsection 3, the board of trustees is not required to provide transportation for the pupil to participate.

5. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sport at a public school pursuant to subsections 1 or 3 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 27. 1. All employees of an achievement charter school shall be deemed public employees and are not employees of the Department.

2. Except as otherwise provided in a collective bargaining agreement entered into by the governing body of an achievement charter school pursuant to chapter 288 of NRS, the principal of an achievement charter school may make:

(a) All decisions concerning the terms and conditions of employment with the achievement charter school and any other matter relating to employment with the achievement charter school; and



(b) All employment decisions with regard to the employees of the achievement charter school pursuant to NRS 391.311 to 391.3197, inclusive.

3. Upon the request of the governing body of an achievement charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the achievement charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.

Sec. 28. 1. Except as otherwise provided in this section, if the contract to operate an achievement charter school is terminated or if an achievement charter school ceases to operate as an achievement charter school or charter school, the licensed employees of the achievement charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement.

2. A school district is not required to reassign a licensed employee of an achievement charter school pursuant to subsection 1 if the employee:

(a) Was not granted a leave of absence by the school district to accept employment at the achievement charter school pursuant to section 29 of this act;

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with section 29 of this act; or

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to section 30 of this act, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the achievement charter school.

Sec. 29. 1. The board of trustees of a school district shall grant a leave of absence, not to exceed 6 years, to any licensed employee who is employed by the board of trustees who requests such a leave of absence to accept or continue employment with an achievement charter school.

2. After any of the first 5 school years in which a licensed employee is on a leave of absence, the employee may return to a comparable teaching position with the board of trustees. After the sixth school year, a licensed employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted.



3. The board of trustees shall grant a written request to return to a comparable position pursuant to subsection 2 even if the return of the licensed employee requires the board of trustees to reduce the existing workforce of the school district.

4. The board of trustees is not required to accept the return of a licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to section 30 of this act, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the achievement charter school.

5. The board of trustees may require that a request to return to a comparable teaching position submitted pursuant to subsection 2 be submitted at least 90 days before the employee would otherwise be required to report to duty.

Sec. 30. 1. Upon the request of the board of trustees of a school district, the governing body of an achievement charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to section 29 of this act, transmit to the school district a copy of the employment record of the employee that is maintained by the achievement charter school before the return of the employee to employment with the school district pursuant to section 28 or 29 of this act.

2. The employment record provided pursuant to subsection 1 must include, without limitation, each evaluation of the licensed employee conducted by the achievement charter school and any disciplinary action taken by the achievement charter school against the licensed employee.

3. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

4. If a school district conducts an investigation pursuant to subsection 3:



(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

Sec. 31. 1. A licensed employee who is on a leave of absence from a school district pursuant to section 29 of this act:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

2. The time during which such an employee is on a leave of absence and employed in an achievement charter school does not count toward the acquisition of permanent status with the school district.

3. Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in an achievement charter school.

4. An employee of an achievement charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

Sec. 32. 1. For all employees of an achievement charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

2. If the board of trustees of a school district in which an achievement charter school is located manages a plan of group insurance for its employees, the governing body of the



achievement charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the achievement charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the achievement charter school must:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the achievement charter school.

Sec. 33. 1. During the sixth year that a school operates as an achievement charter school, the Executive Director shall evaluate the pupil achievement and school performance of the school. If, as a result of such an evaluation, the Executive Director determines:

(a) That the achievement charter school has made adequate improvement in pupil achievement and school performance, the governing body of the achievement charter school must decide whether to:

(1) Convert to a public school under the governance of the board of trustees of the school district in which the school is located;

(2) Seek to continue as a charter school subject to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act by applying to the board of trustees of the school district in which the school is located, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education to sponsor the charter school pursuant to NRS 386.525; or

(3) Remain an achievement charter school for at least 6 more years.

(b) That the achievement charter school has not made adequate improvement in pupil achievement and school performance, the school must continue to operate as an achievement charter school for at least 6 more years. The Executive Director shall evaluate the pupil achievement and school performance of such a school at least each 3 years of operation thereafter.

2. If an achievement charter school is converted to a public school under the governance of the board of trustees of a school district pursuant to paragraph (a) of subsection 1, the board of trustees must employ any teacher, administrator or paraprofessional who wishes to continue employment at the school



1 and meets the requirements of chapter 391 of NRS to teach at the
2 school. Any administrator or teacher employed at such a school
3 who was employed by the board of trustees as a postprobationary
4 employee before the school was converted to an achievement
5 charter school and who wishes to continue employment at the
6 school after it is converted back into a public school must be
7 employed as a postprobationary employee.

8 3. If an achievement charter school becomes a charter school
9 sponsored by the school district in which the charter school is
10 located, the State Public Charter School Authority or a college or
11 university within the Nevada System of Higher Education
12 pursuant to paragraph (a) of subsection 1, the school is subject to
13 the provisions of NRS 386.490 to 386.649, inclusive, and section
14 11 of this act, and the continued operation of the charter school in
15 the building in which the school has been operating is subject to
16 the provisions of NRS 386.560.

17 4. As used in this section, "postprobationary employee" has
18 the meaning ascribed to it in NRS 391.311.

19 **Sec. 34.** The Department shall adopt any regulations
20 necessary or convenient to carry out the provisions of sections 12
21 to 34, inclusive, of this act. The regulations may prescribe, without
22 limitation:

23 1. The process by which the Executive Director will solicit the
24 input of:

25 (a) Members of the community in which a public school is
26 located, including, without limitation, parents of pupils enrolled at
27 the public school, before selecting the public school for conversion
28 to an achievement charter school pursuant to section 20 of this
29 act; and

30 (b) Parents of pupils enrolled at a public school that has been
31 selected for conversion to an achievement charter school
32 concerning the needs of such pupils before approving an
33 application to operate the achievement charter school pursuant to
34 section 21 of this act.

35 2. The process by which the Executive Director will solicit
36 applications to operate an achievement charter school and the
37 procedure and criteria that the Executive Director must use when
38 evaluating such applications.

39 3. The manner in which the Executive Director will monitor
40 and evaluate pupil achievement and school performance of an
41 achievement charter school.

42 4. The process by which the parent or legal guardian of a
43 child may apply for enrollment in an Achievement Charter School,
44 including, without limitation, the required contents of the
45 application, and the criteria used to determine which pupils will be



1 *enrolled in the Achievement Charter School. An achievement*
2 *charter school shall not accept applications for enrollment in the*
3 *charter school or otherwise discriminate based on the race,*
4 *gender, religion, ethnicity or disability of a pupil.*

5 *5. Circumstances under which the governing body of a*
6 *charter school may authorize a child who is enrolled in a public*
7 *school of a school district or a private school or a homeschooled*
8 *child to participate in a class at an achievement charter school*
9 *that is not otherwise available to the child at his or her school or*
10 *homeschool or participate in an extracurricular activity at the*
11 *achievement charter school.*

12 *6. The procedure for converting an achievement charter*
13 *school into a public school.*

14 **Sec. 35.** NRS 386.490 is hereby amended to read as follows:
15 386.490 As used in NRS 386.490 to 386.649, inclusive, *and*
16 *section 11 of this act*, the words and terms defined in NRS 386.492
17 to 386.503, inclusive, *and section 11 of this act*, have the meanings
18 ascribed to them in those sections.

19 **Sec. 36.** NRS 386.505 is hereby amended to read as follows:
20 386.505 The Legislature declares that by authorizing the
21 formation of charter schools it is not authorizing:

22 1. ~~The~~ *Except as otherwise provided in section 33 of this*
23 *act, the* conversion of an existing public school, homeschool or
24 other program of home study to a charter school.

25 2. A means for providing financial assistance for private
26 schools or programs of home study. The provisions of this
27 subsection do not preclude:

28 (a) A private school from ceasing to operate as a private school
29 and reopening as a charter school in compliance with the provisions
30 of NRS 386.490 to 386.649, inclusive ~~H~~, *and section 11 of this*
31 *act.*

32 (b) The payment of money to a charter school for the enrollment
33 of children in classes at the charter school pursuant to subsection 5
34 of NRS 386.580 who are enrolled in a public school of a school
35 district or a private school or who are homeschooled.

36 3. The formation of charter schools on the basis of a single
37 race, religion or ethnicity.

38 **Sec. 37.** NRS 386.506 is hereby amended to read as follows:
39 386.506 The provisions of NRS 386.490 to 386.649, inclusive,
40 *and section 11 of this act* do not authorize an existing public school,
41 homeschool or other program of home study to convert to a charter
42 school ~~H~~ *except as otherwise provided in section 33 of this act.*

43 **Sec. 38.** NRS 386.525 is hereby amended to read as follows:
44 386.525 1. A charter school may submit the application to
45 the proposed sponsor of the charter school. ~~HH~~ *Except as otherwise*



provided in section 33 of this act, if an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the committee to form the charter school;

(c) Base its determination on documented evidence collected through the process of reviewing the application; and

(d) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 5 of NRS 386.515.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with NRS 386.490 to 386.649, inclusive, *and section 11 of this act* and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department; and

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 5 of NRS 386.515 that will likely result in a successful opening and operation of the charter school.

4. If the board of trustees of a school district or a college or a university within the Nevada System of Higher Education, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or the university, as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3.

5. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of subsection 3.



6. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

7. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 6, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

8. If the State Public Charter School Authority receives an application pursuant to subsection 1 or 7, it shall consider the application at a meeting which must be held not later than 60 days after receipt of the application or a later period mutually agreed upon by the committee to form the charter school and the State Public Charter School Authority. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3. Not more than 30 days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant.

9. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

10. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to subsection 9, the applicant may, not more than 30 days after the receipt of the written notice from the State Public Charter School Authority,



1 appeal the final determination to the district court of the county in
2 which the proposed charter school will be located.

3 11. On or before January 1 of each odd-numbered year, the
4 Superintendent of Public Instruction shall submit a written report to
5 the Director of the Legislative Counsel Bureau for transmission to
6 the next regular session of the Legislature. The report must include:

7 (a) A list of each application to form a charter school that was
8 submitted to the board of trustees of a school district, the State
9 Public Charter School Authority, a college or a university during the
10 immediately preceding biennium;

11 (b) The educational focus of each charter school for which an
12 application was submitted;

13 (c) The current status of the application; and

14 (d) If the application was denied, the reasons for the denial.

15 **Sec. 39.** NRS 386.550 is hereby amended to read as follows:

16 386.550 1. A charter school shall:

17 (a) Comply with all laws and regulations relating to
18 discrimination and civil rights.

19 (b) Remain nonsectarian, including, without limitation, in its
20 educational programs, policies for admission and employment
21 practices.

22 (c) Refrain from charging tuition or fees, levying taxes or
23 issuing bonds.

24 (d) Comply with any plan for desegregation ordered by a court
25 that is in effect in the school district in which the charter school is
26 located.

27 (e) Comply with the provisions of chapter 241 of NRS.

28 (f) Except as otherwise provided in this paragraph, schedule and
29 provide annually at least as many days of instruction as are required
30 of other public schools located in the same school district as the
31 charter school is located. The governing body of a charter school
32 may submit a written request to the Superintendent of Public
33 Instruction for a waiver from providing the days of instruction
34 required by this paragraph. The Superintendent of Public Instruction
35 may grant such a request if the governing body demonstrates to the
36 satisfaction of the Superintendent that:

37 (1) Extenuating circumstances exist to justify the waiver; and

38 (2) The charter school will provide at least as many hours or
39 minutes of instruction as would be provided under a program
40 consisting of 180 days.

41 (g) Cooperate with the board of trustees of the school district in
42 the administration of the examinations administered pursuant to
43 NRS 389.550 and, if the charter school enrolls pupils at a high
44 school grade level, the end-of-course examinations administered
45 pursuant to NRS 389.805 and the college and career readiness



assessment administered pursuant to NRS 389.807 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest Association of Schools and of Colleges and Universities.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance ~~{authorized by the State Board}~~ pursuant to subsection 1 of NRS 392.070. As used in this subsection, “distance education” has the meaning ascribed to it in NRS 388.826.



Sec. 39.5. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides or with the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 386.561 before the provision of such services.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district . ~~and during times that are not regular school hours.~~

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve, maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

5. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and



(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➤ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

6. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➤ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

7. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 5 and 6 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 40. NRS 386.593 is hereby amended to read as follows:

386.593 1. A person who is initially hired as a paraprofessional by a charter school after January 8, 2002, to work in a program supported with Title I money must possess the qualifications required by 20 U.S.C. § 6319(c).

2. A person who is employed as a paraprofessional by a charter school, regardless of the date of hire, to work in a program supported with Title I money must possess, on or before January 8, 2006, the qualifications required by 20 U.S.C. § 6319(c).



3. For the purposes of this section, a person is not “initially hired” if the person has been employed as a paraprofessional by another school district , *achievement charter school* or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. As used in this section, “paraprofessional” has the meaning ascribed to it in NRS 391.008.

Sec. 41. NRS 386.720 is hereby amended to read as follows:

386.720 1. There is hereby established a Program of Empowerment Schools for public schools within this State. The Program does not include a university school for profoundly gifted pupils ~~or~~ *or an achievement charter school*.

2. The board of trustees of a school district which is located:

(a) In a county whose population is less than 100,000 may approve public schools located within the school district to operate as empowerment schools.

(b) In a county whose population is 100,000 or more shall approve not less than 5 percent of the schools located within the school district to operate as empowerment schools.

3. The board of trustees of a school district which participates in the Program of Empowerment Schools shall, on or before September 1 of each year, provide notice to the Department of the number of schools within the school district that are approved to operate as empowerment schools for that school year.

4. The board of trustees of a school district that participates in the Program of Empowerment Schools may create a design team for the school district. If such a design team is created, the membership of the design team must consist of the following persons appointed by the board of trustees:

(a) At least one representative of the board of trustees;

(b) The superintendent of the school district, or the superintendent’s designee;

(c) Parents and legal guardians of pupils enrolled in public schools in the school district;

(d) Teachers and other educational personnel employed by the school district, including, without limitation, school administrators;

(e) Representatives of organizations that represent teachers and other educational personnel;

(f) Representatives of the community in which the school district is located and representatives of businesses within the community; and

(g) Such other members as the board of trustees determines are necessary.

5. If a design team is created for a school district, the design team shall:



(a) Recommend policies and procedures relating to empowerment schools to the board of trustees of the school district; and

(b) Advise the board of trustees on issues relating to empowerment schools.

6. The board of trustees of a school district may accept gifts, grants and donations from any source for the support of the empowerment schools within the school district.

Sec. 42. NRS 387.067 is hereby amended to read as follows:

387.067 1. The State Board may accept and adopt regulations or establish policies for the disbursement of money appropriated and apportioned to the State of Nevada, the school districts or the charter schools of the State of Nevada by the Congress of the United States for purposes of elementary and secondary education.

2. The Superintendent of Public Instruction shall deposit the money with the State Treasurer, who shall make disbursements therefrom on warrants of the State Controller issued upon the order of the Superintendent of Public Instruction.

3. The State Board, any school district within this State, *the Achievement School District* and any governing body of any charter school in this State may, within the limits provided in this section, make such applications, agreements and assurances to the Federal Government, and conduct such programs as may be required as a condition precedent to the receipt of money appropriated by any Act of Congress for purposes of elementary and secondary education. Such an agreement or assurance must not require this State, or a school district or governing body to provide money above the amount appropriated or otherwise lawfully available for that purpose.

Sec. 43. NRS 387.080 is hereby amended to read as follows:

387.080 1. The Director may enter into agreements with any agency of the Federal Government, the Department, the State Board, *the Achievement School District*, any board of trustees of a school district, any governing body of a charter school or any other entity or person. The Director may establish policies and prescribe regulations, authorize the employment of such personnel and take such other action as it considers necessary to provide for the establishment, maintenance, operation and expansion of any program of nutrition operated by a school district or of any other such program for which state or federal assistance is provided.

2. The State Treasurer shall disburse federal, state and other money designated for a program of nutrition on warrants of the State Controller issued upon the order of the Director pursuant to regulations or policies of the State Department of Agriculture.

3. The Director may:



(a) Give technical advice and assistance to any person or entity in connection with the establishment and operation of any program of nutrition.

(b) Assist in training personnel engaged in the operation of any program of nutrition.

Sec. 44. NRS 387.090 is hereby amended to read as follows:

387.090 The board of trustees of each school district, *the Executive Director of the Achievement School District* and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.068 to 387.112, inclusive, gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 45. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.560, ~~and~~ pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580 ~~and~~ *and pupils who are enrolled in classes pursuant to subsection 1 of section 26 of this act or any*



regulations adopted pursuant to section 34 of this act that authorize a child who is enrolled at a public school of a school district or a private school or a homeschooled child to participate in a class at an achievement charter school.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

➤ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.

4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program



1 of distance education provided pursuant to NRS 388.820 to 388.874,
2 inclusive.

3 **Sec. 46.** NRS 387.1233 is hereby amended to read as follows:

4 387.1233 1. Except as otherwise provided in subsection 2,
5 basic support of each school district must be computed by:

6 (a) Multiplying the basic support guarantee per pupil established
7 for that school district for that school year by the sum of:

8 (1) Six-tenths the count of pupils enrolled in the kindergarten
9 department on the last day of the first school month of the school
10 district for the school year, including, without limitation, the count
11 of pupils who reside in the county and are enrolled in any charter
12 school on the last day of the first school month of the school district
13 for the school year.

14 (2) The count of pupils enrolled in grades 1 to 12, inclusive,
15 on the last day of the first school month of the school district for the
16 school year, including, without limitation, the count of pupils who
17 reside in the county and are enrolled in any charter school on the last
18 day of the first school month of the school district for the school
19 year and the count of pupils who are enrolled in a university school
20 for profoundly gifted pupils located in the county.

21 (3) The count of pupils not included under subparagraph (1)
22 or (2) who are enrolled full-time in a program of distance education
23 provided by that school district or a charter school located within
24 that school district on the last day of the first school month of the
25 school district for the school year.

26 (4) The count of pupils who reside in the county and are
27 enrolled:

28 (I) In a public school of the school district and are
29 concurrently enrolled part-time in a program of distance education
30 provided by another school district or a charter school on the last
31 day of the first school month of the school district for the school
32 year, expressed as a percentage of the total time services are
33 provided to those pupils per school day in proportion to the total
34 time services are provided during a school day to pupils who are
35 counted pursuant to subparagraph (2).

36 (II) In a charter school and are concurrently enrolled part-
37 time in a program of distance education provided by a school district
38 or another charter school on the last day of the first school month of
39 the school district for the school year, expressed as a percentage of
40 the total time services are provided to those pupils per school day in
41 proportion to the total time services are provided during a school
42 day to pupils who are counted pursuant to subparagraph (2).

43 (5) The count of pupils not included under subparagraph (1),
44 (2), (3) or (4), who are receiving special education pursuant to the
45 provisions of NRS 388.440 to 388.520, inclusive, on the last day of



1 the first school month of the school district for the school year,
2 excluding the count of pupils who have not attained the age of 5
3 years and who are receiving special education pursuant to
4 subsection 1 of NRS 388.475 on that day.

5 (6) Six-tenths the count of pupils who have not attained the
6 age of 5 years and who are receiving special education pursuant to
7 subsection 1 of NRS 388.475 on the last day of the first school
8 month of the school district for the school year.

9 (7) The count of children detained in facilities for the
10 detention of children, alternative programs and juvenile forestry
11 camps receiving instruction pursuant to the provisions of NRS
12 388.550, 388.560 and 388.570 on the last day of the first school
13 month of the school district for the school year.

14 (8) The count of pupils who are enrolled in classes for at
15 least one semester pursuant to subsection 5 of NRS 386.560,
16 subsection 5 of NRS 386.580 , ~~for~~ subsection 3 of NRS 392.070 ~~or~~
17 *or subsection 1 of section 26 of this act or any regulations adopted*
18 *pursuant to section 34 of this act that authorize a child who is*
19 *enrolled at a public school of a school district or a private school*
20 *or a homeschooled child to participate in a class at an*
21 *achievement charter school*, expressed as a percentage of the total
22 time services are provided to those pupils per school day in
23 proportion to the total time services are provided during a school
24 day to pupils who are counted pursuant to subparagraph (2).

25 (b) Multiplying the number of special education program units
26 maintained and operated by the amount per program established for
27 that school year.

28 (c) Adding the amounts computed in paragraphs (a) and (b).

29 2. Except as otherwise provided in subsection 4, if the
30 enrollment of pupils in a school district or a charter school that
31 is located within the school district on the last day of the first school
32 month of the school district for the school year is less than or equal
33 to 95 percent of the enrollment of pupils in the same school district
34 or charter school on the last day of the first school month of the
35 school district for the immediately preceding school year, the largest
36 number from among the immediately preceding 2 school years must
37 be used for purposes of apportioning money from the State
38 Distributive School Account to that school district or charter school
39 pursuant to NRS 387.124.

40 3. Except as otherwise provided in subsection 4, if the
41 enrollment of pupils in a school district or a charter school that is
42 located within the school district on the last day of the first school
43 month of the school district for the school year is more than 95
44 percent of the enrollment of pupils in the same school district or
45 charter school on the last day of the first school month of the school



district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

Sec. 47. NRS 388.020 is hereby amended to read as follows:

388.020 1. An elementary school is a public school in which grade work is not given above that included in the eighth grade, according to the regularly adopted state course of study.

2. A junior high or middle school is a public school in which the sixth, seventh, eighth and ninth grades are taught under a course of study prescribed and approved by the State Board. The school is an elementary or secondary school for the purpose of the licensure of teachers.

3. A high school is a public school in which subjects above the eighth grade, according to the state course of study, may be taught. The school is a secondary school for the purpose of the licensure of teachers.

4. A special school is an organized unit of instruction operating with approval of the State Board.

5. A charter school is a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive **H**, and *section 11 of this act or an achievement charter school that is formed pursuant to sections 12 to 34, inclusive, of this act.*



6. A university school for profoundly gifted pupils is a public school established pursuant to NRS 392A.010 to 392A.110, inclusive.

Sec. 48. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385.3493 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority, *the Achievement School District* and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

↪ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:



- (a) The State Board.
- (b) The board of trustees of each school district.
- (c) The superintendent of schools of each school district.
- (d) The Department.
5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

- (1) Repair, replace and maintain computer systems.
- (2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.



1 ➤ The Commission shall submit a final written report of the
2 assessment to the Superintendent of Public Instruction on or before
3 April 1 of each even-numbered year.

4 7. The Superintendent of Public Instruction shall prepare a
5 written compilation of the results of the assessment conducted by
6 the Commission and transmit the written compilation on or before
7 June 1 of each even-numbered year to the Legislative Committee on
8 Education and to the Director of the Legislative Counsel Bureau for
9 transmission to the next regular session of the Legislature.

10 8. The Commission may appoint an advisory committee
11 composed of members of the Commission or other qualified persons
12 to provide recommendations to the Commission regarding standards
13 for the establishment, coordination and use of a telecommunications
14 network in the public schools throughout the various school districts
15 in this State. The advisory committee serves at the pleasure of the
16 Commission and without compensation unless an appropriation or
17 other money for that purpose is provided by the Legislature.

18 9. As used in this section, “public school” includes the Caliente
19 Youth Center, the Nevada Youth Training Center and any other
20 state facility for the detention of children that is operated pursuant to
21 title 5 of NRS.

22 **Sec. 49.** NRS 388.880 is hereby amended to read as follows:

23 388.880 1. Except as otherwise provided in subsection 2, if
24 any person who knows or has reasonable cause to believe that
25 another person has made a threat of violence against a school
26 official, school employee or pupil reports in good faith that threat of
27 violence to a school official, teacher, school police officer, local law
28 enforcement agency or potential victim of the violence that is
29 threatened, the person who makes the report is immune from civil
30 liability for any act or omission relating to that report. Such a person
31 is not immune from civil liability for any other act or omission
32 committed by the person as a part of, in connection with or as a
33 principal, accessory or conspirator to the violence, regardless of the
34 nature of the other act or omission.

35 2. The provisions of this section do not apply to a person who:

36 (a) Is acting in his or her professional or occupational capacity
37 and is required to make a report pursuant to NRS 200.5093,
38 200.50935 or 432B.220.

39 (b) Is required to make a report concerning the commission of a
40 violent or sexual offense against a child pursuant to NRS 202.882.

41 3. As used in this section:

42 (a) “Reasonable cause to believe” means, in light of all the
43 surrounding facts and circumstances which are known, a reasonable
44 person would believe, under those facts and circumstances, that an



act, transaction, event, situation or condition exists, is occurring or has occurred.

(b) “School employee” means a licensed or unlicensed person who is employed by:

(1) A board of trustees of a school district pursuant to NRS 391.100; ~~for~~

(2) The governing body of a charter school ~~H~~; or

(3) The Achievement School District.

(c) “School official” means:

(1) A member of the board of trustees of a school district.

(2) A member of the governing body of a charter school.

(3) An administrator employed by the board of trustees of a school district or the governing body of a charter school.

(4) The Executive Director of the Achievement School District.

(d) “Teacher” means a person employed by the:

(1) Board of trustees of a school district to provide instruction or other educational services to pupils enrolled in public schools of the school district.

(2) Governing body of a charter school to provide instruction or other educational services to pupils enrolled in the charter school.

Sec. 50. NRS 389.612 is hereby amended to read as follows:

389.612 “School official” means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district, ~~for~~ the governing body of a charter school ~~H~~ ***or the Achievement School District.***

Sec. 51. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 389.550 and 389.805 and the college and career readiness assessment administered pursuant to NRS 389.807.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken



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during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, *Achievement School District*, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, *Achievement School District*, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The Legislative Committee on Education, created pursuant to NRS 218E.605.

Sec. 52. NRS 391.045 is hereby amended to read as follows:

391.045 The Superintendent of Public Instruction shall file with the clerk of the board of trustees of each local school district a directory of all teachers and other educational personnel, including, without limitation, teachers and educational personnel employed by a charter school pursuant to NRS 386.590 and 386.595, *and sections 27 to 32, inclusive, of this act*, who are entitled to draw salaries from the county school district fund, and shall advise the clerk from time to time of any changes or additions to the directory.

Sec. 53. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, “employee” means any employee of a school district or charter school in this State.

2. A school month in any public school in this State consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees’ compensation in 12 equal monthly payments for 9 or more months’ work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted workdays in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave



1 and such other leave as they determine to be necessary or desirable
2 for employees. In addition, boards of trustees may either prescribe
3 by regulation or negotiate pursuant to chapter 288 of NRS with
4 respect to the payment of unused sick leave to licensed teachers in
5 the form of purchase of service pursuant to subsection 4 of NRS
6 286.300. The amount of service so purchased must not exceed the
7 number of hours of unused sick leave or 1 year, whichever is less.

8 6. The salary of any employee unavoidably absent because of
9 personal illness or accident, or because of serious illness, accident or
10 death in the family, may be paid up to the number of days of sick
11 leave accumulated by the employee. An employee may not be
12 credited with more than 15 days of sick leave in any 1 school year.
13 Except as otherwise provided in this subsection, if an employee
14 takes a position with another school district or charter school, all
15 sick leave that the employee has accumulated must be transferred
16 from the employee's former school district or charter school to his
17 or her new school district or charter school. The amount of sick
18 leave so transferred may not exceed the maximum amount of sick
19 leave which may be carried forward from one year to the next
20 according to the applicable negotiated agreement or the policy of the
21 district or charter school into which the employee transferred.
22 Unless the applicable negotiated agreement or policy of the
23 employing district or charter school provides otherwise, such an
24 employee:

25 (a) Shall first use the sick leave credited to the employee from
26 the district or charter school into which the employee transferred
27 before using any of the transferred leave; and

28 (b) Is not entitled to compensation for any sick leave transferred
29 pursuant to this subsection.

30 7. Subject to the provisions of subsection 8:

31 (a) If an intermission of less than 6 days is ordered by the board
32 of trustees of a school district or the governing body of a charter
33 school for any good reason, no deduction of salary may be made
34 therefor.

35 (b) If, on account of sickness, epidemic or other emergency in
36 the community, a longer intermission is ordered by the board of
37 trustees of a school district, the governing body of a charter school
38 or a board of health and the intermission or closing does not exceed
39 30 days at any one time, there may be no deduction or
40 discontinuance of salaries.

41 8. If the board of trustees of a school district or the governing
42 body of a charter school orders an extension of the number of days
43 of school to compensate for the days lost as the result of an
44 intermission because of those reasons contained in paragraph (b) of
45 subsection 7, an employee may be required to render his or her



services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 386.595, *or sections 27 to 32, inclusive, of this act*,

the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 54. NRS 391.620 is hereby amended to read as follows:

391.620 “School official” means:

1. A member of a board of trustees of a school district;

2. A member of a governing body of a charter school; or

3. A licensed or unlicensed person employed by the board of trustees of a school district, ~~for~~ the governing body of a charter school ~~H~~ *or the Achievement School District*.

Sec. 55. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district or the State Public Charter School Authority, *the Achievement School District* or a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 2 of NRS 385.3481;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.



2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, “family resource center” has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 56. NRS 400.030 is hereby amended to read as follows:

400.030 1. The P-20W Advisory Council, consisting of 11 voting members, is hereby created to assist in the coordination between early childhood education programs, K-12 public education, postsecondary education and the workforce in this State. The Chancellor of the System, the Superintendent of Public Instruction and the Director of the Department of Employment, Training and Rehabilitation serve as ex officio nonvoting members of the Council.

2. The Governor shall appoint five members to the Council as follows:

- (a) One representative of higher education in this State.
- (b) One representative of elementary and secondary education in this State.
- (c) One representative of private business in this State.
- (d) One member who is a parent of a pupil enrolled in a public school in this State or of a student enrolled in the System. The parent must not be employed by the board of trustees of a school



district, *the Achievement School District*, the governing body of a charter school or the System.

(e) One person who possesses knowledge of and experience in early childhood education programs and services for children in this State from birth through prekindergarten.

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each appoint two members to the Council as follows:

(a) One member of the House of the Legislature that he or she represents.

(b) One person who meets the qualifications of paragraph (a), (b), (c) or (e) of subsection 2.

4. The Minority Leader of the Senate and the Minority Leader of the Assembly shall each appoint one member to the Council who is a member of the general public.

5. The members of the Council shall elect a Chair and a Vice Chair from among the members of the Council. After the initial term, the Chair and Vice Chair serve in the office for a term of 2 years beginning July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the members of the Council shall elect a member to fill the vacancy to serve for the remainder of the unexpired term of that office.

6. After the initial terms, each member of the Council serves a term of 3 years commencing on July 1 of the year of appointment. Such members may be reappointed for one additional term. A vacancy on the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. Each member of the Council continues in office until his or her successor is appointed.

7. Any member who is absent from two consecutive meetings of the Council without permission of the Chair:

(a) Forfeits his or her office; and

(b) Must be replaced as provided in subsection 6 for the filling of a vacancy before the end of a term.

Sec. 57. The preliminary chapter of NRS is hereby amended by adding thereto the provisions set forth as sections 58 and 59 of this act.

Sec. 58. *Except as otherwise expressly provided in a particular statute or required by the context, “Achievement School District” means the Achievement School District created by section 17 of this act.*

Sec. 59. *Except as otherwise expressly provided in a particular statute or required by the context, “charter school” means a public school that is formed pursuant to the provisions of NRS 386.490 to 386.649, inclusive, and section 11 of this act, and*



an achievement charter school formed pursuant to the provisions of sections 12 to 34, inclusive, of this act.

Sec. 60. NRS 41.0305 is hereby amended to read as follows:

41.0305 As used in NRS 41.0305 to 41.039, inclusive, the term “political subdivision” includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, *an* irrigation district, *a* school district, *the Achievement School District, the* governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.

Sec. 61. NRS 288.150 is hereby amended to read as follows:

288.150 1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days’ work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.



(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) ~~The~~ *Except as otherwise provided in subsection 6, the* policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce consistent with the provisions of this chapter.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions



1 may include the suspension of any collective bargaining agreement
2 for the duration of the emergency. Any action taken under the
3 provisions of this subsection must not be construed as a failure to
4 negotiate in good faith.

5 5. The provisions of this chapter, including without limitation
6 the provisions of this section, recognize and declare the ultimate
7 right and responsibility of the local government employer to manage
8 its operation in the most efficient manner consistent with the best
9 interests of all its citizens, its taxpayers and its employees.

10 6. *The board of trustees of a school district may reassign any*
11 *member of the staff of a school that is converted to an*
12 *achievement charter school pursuant to sections 20 to 22,*
13 *inclusive, of this act and any provision of any agreement*
14 *negotiated pursuant to this chapter which provides otherwise is*
15 *unenforceable and void.*

16 7. This section does not preclude, but this chapter does not
17 require, the local government employer to negotiate subject matters
18 enumerated in subsection 3 which are outside the scope of
19 mandatory bargaining. The local government employer shall discuss
20 subject matters outside the scope of mandatory bargaining but it is
21 not required to negotiate those matters.

22 ~~7.1~~ 8. Contract provisions presently existing in signed and
23 ratified agreements as of May 15, 1975, at 12 p.m. remain
24 negotiable.

25 9. *As used in this section, “achievement charter school” has*
26 *the meaning ascribed to it in NRS 385.007.*

27 **Sec. 62.** NRS 332.185 is hereby amended to read as follows:

28 332.185 1. Except as otherwise provided in subsection 2 and
29 NRS 244.1505 and 334.070, all sales of personal property of
30 the local government must be made, as nearly as possible, under the
31 same conditions and limitations as required by this chapter in the
32 purchase of personal property. The governing body or its authorized
33 representative may dispose of personal property of the local
34 government by any manner, including, without limitation, at public
35 auction, if the governing body or its authorized representative
36 determines that the property is no longer required for public use and
37 deems such action desirable and in the best interests of the local
38 government.

39 2. The board of trustees of a school district may donate surplus
40 personal property of the school district to any other school district in
41 this State, *to the Achievement School District* or to a charter school
42 that is located within the school district without regard to:

43 (a) The provisions of this chapter; or

44 (b) Any statute, regulation, ordinance or resolution that requires:

45 (1) The posting of notice or public advertising.



1 (2) The inviting or receiving of competitive bids.

2 (3) The selling or leasing of personal property by contract or
3 at a public auction.

4 3. The provisions of this chapter do not apply to the purchase,
5 sale, lease or transfer of real property by the governing body.

6 **Sec. 63.** NRS 361.065 is hereby amended to read as follows:

7 361.065 All lots, buildings and other school property owned by
8 any legally created school district, *the Achievement School District*
9 or *a* charter school within the State and devoted to public school
10 purposes are exempt from taxation.

11 **Sec. 64.** NRS 656A.020 is hereby amended to read as follows:

12 656A.020 As used in this chapter, unless the context otherwise
13 requires, the words and terms defined in NRS ~~656A.023~~ **656A.025**
14 to 656A.065, inclusive, have the meanings ascribed to them in those
15 sections.

16 **Sec. 65.** The provisions of section 20 of this act apply to any
17 public school regardless of any other designations or programs to
18 which the school may already be included. The prior ratings of such
19 a public school may be used to determine whether to convert the
20 school into an achievement charter school. As used in this section,
21 “achievement charter school” has the meaning ascribed to it in NRS
22 385.007, as amended by section 2 of this act.

23 **Sec. 66.** The provisions of NRS 288.150, as amended by
24 section 61 of this act:

25 1. Apply to any collective bargaining agreement entered into,
26 extended or renewed on or after July 1, 2016, and any provision of
27 the agreement that is in conflict with that section, as amended, is
28 void.

29 2. Do not apply to any collective bargaining agreement entered
30 into before the effective date of this act during the current term of
31 the agreement.

32 **Sec. 67.** The provisions of subsection 1 of NRS 218D.380 do
33 not apply to any provision of this act which adds or revises a
34 requirement to submit a report to the Legislature.

35 **Sec. 68.** The provisions of NRS 354.599 do not apply to any
36 additional expenses of a local government that are related to the
37 provisions of this act.

38 **Sec. 69.** NRS 656A.023 is hereby repealed.

39 **Sec. 70.** This act becomes effective:

40 1. Upon passage and approval for the purpose of adopting
41 regulations and carrying out any other preparatory administrative
42 tasks necessary to implement the provisions of this act; and

43 2. On July 1, 2016, for all other purposes.



TEXT OF REPEALED SECTION

656A.023 “Charter school” defined. “Charter school” has the meaning ascribed to it in NRS 385.007.

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